

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Milton B. Maxwell, Jr.
Serial No.: 10/686,900
Filed: October 16, 2003
For: Method Of Generating And Maintaining A Patient
Medication Profile
Group Art Unit: 3626
Examiner: Kristine K. Rapillo
Attorney's Docket No.: N9461
Customer No.: 23456

RESPONSE AND AMENDMENTS

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Via electronically to
Art Unit 3626
Examiner Kristine K. Rapillo

Dear Commissioner:

The following amendments and comments are submitted in response to the Final Office Action dated September 10, 2008 and further in light of the Advisory Action dated December 9, 2008. Applicant further submits as required a statement of the substance of the interview of December 2, 2008 conducted between PTO personnel and representatives of Applicant.

Applicant is simultaneously filing herewith a request for continued examination along with the appropriate fee.

CERTIFICATE OF ELECTRONIC TRANSMISSION

I certify that this paper and/or fee was transmitted to the United States Patent and Trademark Office using the EFS-Web filing system on November 19, 2008 by 11:59 CST (Local Time).

W.C. Wadley, Jr., 25,180/
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The Statement of Substance of Interview begins on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 6 of this paper.

Remarks/Arguments begin on page 19 of this paper.

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STATEMENT OF SUBSTANCE OF INTERVIEW

The following is submitted as a Statement by the Applicant as to the substance of the telephone interview of December 2, 2008 between PTO personnel, namely Kristine K. Rapillo and Robert Morgan, and representatives of the Applicant, namely I. C. (Jack) Waddey, Jr. and Gary L. Montle.

The interview was requested by Applicant largely to contest stated interpretations by the Examiner in the Final Office Action of September 10, 2008 regarding a particular cited reference (Goetz et al. U.S. Pat. No. 6,421,650) and the Application's independent claims 1, 8, 15, 18 and 23. To summarize the result, the Examiner and Applicant remain in disagreement as to the substantial applicability of the cited reference with respect to the claims as written. The Examiner did agree that proposed changes to the claims would make the claims patentable with respect to the cited reference, but stated that entry of the proposed changes would require further search and examination. Applicant disputes that the proposed changes in any way so substantially affect the scope of the claims as to require further search. However, Applicant does subsequently file a Request for Continued Examination accompanying this Statement featuring amendments that substantially comprise the proposed changes therein.

With respect to Claim 1, Applicant's Response of November 19, 2008 amended steps (c) and (d). The proposed amendments were not discussed during

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the Interview, as having been entered after Final Rejection, and will be resubmitted in substance within the Request for Continued Examination.

With respect to Claims 8 and 23, the Examiner interprets the step of suppressing mild drug-drug interactions to be comprised within the cited reference. The Examiner maintains that the claim as written is sufficiently broad that the cited reference permits such suppression by manual override by a user. Applicant argued that the cited reference in fact substantively teaches away from the notion of suppressing such interactions. The Examiner did state that the claim could be patentable above the cited reference if rewritten to incorporate an explicit step of automatically suppressing mild drug-drug interactions, but that further search and examination would be required in light of the changes. Applicant continues to dispute the scope of the claim has been substantively changed so as to require such efforts, but otherwise has included the proposed changes within the overall amendments as provided within the Request for Continued Examination.

With respect to Claims 15 and 18, the Examiner interprets the step of excluding mild drug-drug interactions or medication side effects that are mild to be comprised within the cited reference. The Examiner maintains that the claim as written is sufficiently broad that the cited reference permits such exclusion by manual override by a user. Applicant argued that the cited reference in fact substantively teaches away from the notion of such actions. Changes to these claims were not explicitly discussed in light of the impasse regarding similar

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portions of Claims 8 and 23. Applicant however proceeds under the assumption that similar amendments to Claims 15 and 18 as were discussed with Claims 8 and 23 will in fact make the Claims patentable over the cited reference, and that the Examiner will maintain the position that further search and examination will nevertheless be required in light of these changes. Applicant continues to dispute the scope of the claim has been substantively changed so as to require such efforts, but otherwise has included the changes within the overall amendments as provided within the Request for Continued Examination.